

REMARKS

Applicant respectfully requests reconsideration of this application in view of the following remarks. For the Examiner's convenience and reference, Applicant's remarks are presented in substantially the same order in which the corresponding issues were raised in the Office Action.

Status of the Claims

Claims 1-43 are pending. No claims are currently amended. No claims are canceled. No claims are added. No new matter has been added.

Summary of the Office Action

Claims 1-5, 7-9, 13-17, 19-30, 35-36, and 39-41 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,618,727 to Wheeler et al. (hereinafter "Wheeler") in view of U.S. Patent No. 7,031,961 to Pitkow et al. (hereinafter "Pitkow").

Claim 10 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Wheeler in view of Pitkow and in view of U.S. Patent No. 5,675,819 to Schuetze (hereinafter "Schuetze").

Claims 11 and 12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Wheeler in view of Pitkow and in view of U.S. Patent No. 6,983,216 to Kirsch et al. (hereinafter "Kirsch").

Claims 18, 33, 34, 38, and 43 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Wheeler in view of Pitkow and in view of U.S. Patent No. 5,675,819 to Agrawal et al. (hereinafter "Agrawal").

Claims 31, 32, 37, and 42 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Wheeler in view of Pitkow and in view of U.S. Patent Publication No. 20030084040A1 to Jeffrey (hereinafter "Jeffrey").

Prayer for relief.

Applicants and the examiner have discussed the prior art and the claims of this application for the sixth distinct time. The PTO is supposed to be making

a deliberate effort to advance the prosecution of cases. For all of the reasons below, the claims are in a condition for allowance. Attorney for the applicants can be reached at 408-720-8300 if there are some issues left to issue a notice of allowance for these claims.

Response to Rejections under 35 U.S.C. § 103(a)

The Office Action rejected claims 1-5, 7-9, 13-17, 19-30, 35-36, and 39-41 under 35 U.S.C. § 103(a) as being unpatentable over Wheeler in view of Pitkow. Applicant respectfully requests withdrawal of these rejections because the combination of cited references fails to teach or suggest all of the limitations of the claims.

Claim 1 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Wheeler in view of Pitkow. Applicant respectfully submits that claim 1 is patentable over the combination of cited references because the combination does not teach or suggest all of the limitations of the claim. Claim 1 recites:

1. A method, comprising:

generating a list of one or more related documents ranked based upon relevance to a first representation of content associated with a first field of a reference extensible markup language document, the first representation including a set of terms and one or more weighted values associated with each term in the set of terms; and

generating a link to each of the one or more related documents, wherein the link points to a relevant field within each of the one or more related documents.

(Emphasis added).

In support of the rejection, the Office Action states, in part:

Wheeler discloses every limitation but 'generating a list of related documents based upon relevance to content associated with a first field' and 'the link points to a relevant field within each of the one or more related documents' and Pitkow discloses these two missing limitations. (Office Action page 3 and 4.)

However, Wheeler is far more deficient than these two points.

1) Applicants agree with the Office Action on page 3 that Wheeler does not disclose generating a list of related documents based upon *relevance to content associated with a first field*." Also, Wheeler does not even disclose the

generation of a list of one or more related documents ranked *upon relevance to a first representation of content*. Wheeler merely discloses a parent-child hierarchy, in which a child category is linked with its corresponding parent category through an entry in a data structure.

2) Wheeler merely discloses the generating of report results in general.

There is no disclosure of the report results being presented in the form of a *list of ranked* documents relevant to a first representation of content, an example of which can be seen in Figure 1, item 108 of the specification. Specifically Wheeler states, "A query is the actual search request containing the search criteria. It is usually dynamically specified by the user, but can also be a previously generated stored query. Once the query is entered, the similarity search scores are assigned, the parent scores are computed from their children and report results are generated." Col. 7, lines 58-63. Emphasis added.

Wheeler, does not further elaborate on the contents of the report results being in the form of a ranked list of relevant documents. Therefore, Wheeler does not disclose even generation of a ranked list of one or more related documents.

Wheeler does not disclose the generation of a list of one or more related documents *ranked upon relevance to a first representation of content from a reference XML document*. In contrast, Wheeler discloses:

a hierarchy of parent and child categories to be searched, linking each child category with its parent category.

(Wheeler, col. 2, lines 11-13)

Creating a hierarchy of parent and child categories further comprises assigning an entry in a data structure... Linking each child category with its parent category further comprises assigning an index to connect each child category with its parent category.

(Wheeler, col. 2, lines 21-26)

Wheeler is directed to detecting and scoring similarities between two or more documents in a source database based on a search criteria. (Wheeler, Abstract.) As stated by the Examiner, "Wheeler displays results of a document comparison similarity search which shows the side by side display of the document comparison search result for two documents." Office Action, page 11. Displaying the results of a document comparison similarity search is not the same as generating a list of one or more related documents ranked based upon relevance to a first representation of content. Wheeler is merely comparing two documents for individual similarities, as shown by the two documents in Figure 25. Wheeler fails to generate a list of related documents *ranked upon relevance to a first representation of content and rather shows similarities between two stored documents*.

3) Wheeler also does not teach **generating a link to** each of the one or more **related documents**. Wheeler merely discloses a parent-child hierarchy, in which a child category is linked with its corresponding parent category through an entry in a data structure. Wheeler discloses creating a hierarchy of parent and child categories. (Wheeler, col. 2, lines 20-23.) The parent and child categories include objects identified as parent and child objects. (Wheeler, col. 2, lines 13-17.) In other words, the objects in the source database are arranged in parent and child categories, and each child category has a hierarchical relationship with the a corresponding parent category. Wheeler, col. 7, lines 11-15. The linking described in Wheeler is merely linking each child category with its parent category. (See Wheeler, col. 2, lines 24-26.) In this way, Wheeler

merely teaches linking categories, but does not teach generating a link to a particular document.

4) For similar reasoning to that above, Wheeler does not teach generating a link which points to a relevant field within each of the one or more related documents. Wheeler merely discloses links to related categories not documents and not fields within those documents.

5) Wheeler also does not disclose the first representation including a set of terms and one or more weighted values associated with each term in the set of terms as claimed in claim 1. Wheeler states:

Once the query is entered, the similarity search scores are assigned, the parent scores are computed from their children and the report results are generated.

(Wheeler, col. 7, lines 60-63)

As discussed for a previous limitation deficiency, Wheeler is merely discloses that search scores that are assigned to the documents themselves and not weight values with each term in the set of terms associated with the *representation*. Wheeler discloses that parent scores are computed from their children scores. Nothing in Wheeler discloses the association of one or more weighted values with a set of search terms that forms the basis of the query but rather a scoring system associated with the document itself. Wheeler further states:

The document labeled anchor 340 is the first document in a hierarchical language that is annotated with a scoring method or algorithm (measure), weighting and parent scoring algorithm, the annotated first document becoming a query which is used to search a second document. The score represents the similarity search results as specified by the scoring method for between the objects of the first and second document.

(Wheeler, col. 20, lines 39-47)

Here, Wheeler is only disclosing the use of a weighting system between two documents wherein the first document becomes a query that is used to search a second document. Wheeler is not disclosing, "generating a list of one or more related documents ranked based upon relevance to a ... the first representation that includes a set of terms and one or more weighted values associated with each term." In Wheeler, the entire search query may be assigned a single weighted value, rather than each term within the query having one or more weighted values. Wheeler supports this by stating that each parent/child object may be given a weighting, but not each term with the search query. "The weighting among attributes 73 determines the relative weight to be given to each parent/child object in a search where there are multiple children within a parent object." Col. 11, lines 53-55. Wheeler's disclosed schema specifies the user's search categories, a scoring algorithm used to determine the type of similarity score to be given to the source data objects, a parent score computing algorithm to determine how to compute the similarity scores for parent objects using the scores from the child objects, and a weighting value that determines the relative weight given to child objects that have the same parents. (Wheeler, col. 7, lines 45-54). The schema is used to translate and structure the data in the source database into a hierarchical form having child and parent objects. (Wheeler, col. 7, lines 27-30). Creating a hierarchy of parent and child categories further comprises assigning an entry in a data structure called a data band to each child category that contains no children categories. (Wheeler, col. 2, lines 21-24). Therefore, Wheeler does not disclose or suggest basing relevance to a first representation that includes a set of terms and one or more weighted values associated with each term.

Therefore, Wheeler does not disclose or suggest the limitations stated in claim 1 and, in fact, explicitly teaches away from the limitations stated in claim 1. Wheeler just does not disclose any limitation in claim 1 or even really any portion of a limitation in claim 1 except that an XML document may be involved in search (not that content in the XML document may be the content of a query for a search) and should be dropped as discussed piece of prior art.

This leaves Pitkow to disclose all of the limitations of independent claim 1, which Pitkow does not.

Pitkow does disclose:

System and method for searching and recommending objects from a categorically organized information repository. (Pitkow Title)

a search and recommendation system employs the preferences and profiles of individual users and groups within a community of users, as well as information derived from categorically organized content pointers, to augment Internet searches, re-rank search results, and provide recommendations for objects based on an initial subject-matter query. The search and recommendation *system operates in the context of a content pointer manager, which stores individual users' content pointers* (some of which may be published or shared for group use) on a centralized content pointer database connected to the Internet. *A user's content pointers are organized in accordance with a local topical categorical hierarchy. The hierarchical organization is used to define a relevance context within which returned objects are evaluated and ordered.* (Pitkow Abstract)

This centralized database [of all users' *public bookmarks*] is maintained as a hierarchy, with individual users' bookmarks maintained separately from other users' bookmarks. However, the maintenance of the centralized database facilitates harnessing the power and flexibility of being able to use, in various ways, all users' public bookmarks and the information contained in and referenced by those bookmarks. (Pitkow Summary of the invention)

Right off the bat you can tell book marking system of Pitkow has very little to do with using one or more fields from a reference XML as the basis of a query for a search.

Pitkow does not disclose generating a list of one or more related documents ranked based upon relevance to a first representation of content associated with a first field of a reference extensible markup language document. The office action states that if the user selected positive relevance feedback than the closest context matches [meaning a list of documents] are returned in a ranked order. Even not disputing this assertion, the basis of a query for a search would not be based upon one or more specific fields from a reference extensible markup language document. Pitkow uses profiles of bookmarks of multiple users as the basis for the query for a search for related document. Thus, the

book marking and relevance to similar bookmarks mechanism in Pitkow is silent regarding determining relevance based upon a specific field from a reference extensible markup language document .

Additionally, the 'book marking and relevance to similar bookmarks mechanism' in Pitkow is silent to "the first representation [which the relevance is compared to] includes a set of terms and one or more weighted values associated with each term in the set of terms." Pitkow uses profiles of bookmarks of multiple users to determine these similar returned documents. The bookmarks in Pitman have keywords found in the title or URLs but no weighting value or system associated with *each one* of those keywords. (Pitkow Col. 15, Lns. 10-25). The bookmarks in Pitkow do not disclose the first representation [which the relevance is compared to] includes a set of terms and one or more weighted values associated with each term in the set of terms."

Pitkow does not disclose generating a link to each of the one or more related documents, wherein the link points to a relevant field within each of the one or more related documents. The office action asserts that Pitkow discloses a vector that points to a directory to search in and a vector that points to one or more documents in that directory. Even arguing Pitkow discloses these points, Pitkow would not disclose the link points to one or more relevant fields within each of the one or more related documents but rather to the documents as a whole in general. Pitkow discloses in Col. 16 cited by the office action discloses that if the user retrieves a relevant web page from the list of related documents, 1) when the user is viewing the retrieved web page and 2) that web page has a link then the user interface may display message in the browser window to that effect. In Pitkow, the link has already been activated to retrieve the document and then a pop up window notifies the user of the presence of a second link. Neither link says anything about pointing to a specific relevant field(s) within the related document. In contrast, claim 1 states, "generating a link to each of the one or more related documents, wherein the link itself points to a relevant field within each of the one or more related documents. Nothing in Pitkow suggests looking at specific fields within a potential related document.

Thus, overall Pitkow does not suggest using one or more fields from a reference XML as the basis of a query for a search. Nothing in Pitkow suggests looking at specific fields within a potential related document. Pitkow does not disclose any of:

“1) generating . . . related documents ranked based upon . . . content associated with a first field of a reference extensible markup language document; 2) the first representation including a set of terms and one or more weighted values associated with each term in the set of terms; and 3) generating a link to each of the one or more related documents, wherein the link points to a relevant field within each of the one or more related documents.

Thus, for the reasons stated above, Pitkow and Wheeler, either alone or in combination, fail to teach or suggest all of the limitations of the claim.

Even if arguendo the combination of cited references were to disclose all of the limitations of the claim, the Office Action does not provide a proper motivation to combine the references. The motivation suggested by the office action is not found documented in either reference.

Given that the cited references fail to teach or suggest all of the limitations of the claim, Applicant respectfully submits that claim 1 is patentable over the cited references. Additionally, claim 1 is patentable over the cited references because there is the Office Action fails to establish a motivation to combine the references. Accordingly, Applicant requests that the rejection of claim 1 under 35 U.S.C. § 103(a) be withdrawn.

Given that claims 2-12 depend from independent claim 1, which is patentable over the cited references, Applicant respectfully submits that dependent claims 2-12 are also patentable over the cited references. Accordingly, Applicant requests that the rejection of claims 1-13 under 35 U.S.C. § 103(a) be withdrawn.

Independent claims 13, 21, 24 and 27 and their respective dependent claims also contain a similar limitation but literally different limitation to “generating a list of one or more related documents ranked based upon relevance to a first representation of content associated with a first field of a

reference extensible markup language document and the link points to a relevant field within each of the one or more related documents.” Therefore, independent claims 13, 21, 24 and 27 and their respective dependent claims are patentable over Pitkow in combination with Wheeler.

An additional comment on dependent claim 2. Claim 2 states “wherein the first field in the reference extensible markup language document is specified at the time a query is generated.” Wheeler Col. 2 lines 42-44 says that one can specify the search criteria at the time of the search. Wheeler is silent about the concept of being able to single out specific fields in a reference XML document as the basis of the query. Singling out specific desired fields allows the user to exclude other content that may interfere with the search pulling back the specific related documents the user is wanting to review by pulling back extra documents to sift through.

An additional comment on dependent claim 3. Claim 3 states “ wherein the one or more related documents comprise a first related document having a second field, at the time the query is generated, a user specifies to search content associated with the second field.” Wheeler is silent about the concept of being able to single out specific fields in documents to be searched to see if the relevant content is in those fields. A blanket statement that one can specify the search criteria at the time of the search does not disclose or suggest that ability to exclude content from a search so that the retrieved documents are more pertinent to the user’s exact request.

In regards to independent claims 29, 35 and 39, the Examiner states Pitkow discloses the limitation of, “Executing a query on content from an active desktop window *without a user having to request the query*” by *the user actively selecting* the positive relevance feedback feature. Office Action page 8. Obviously that would not be an accurate conclusion. Moreover, Pitkow does not have anything to do with examining the content in the currently active desktop window and automatically suggesting related documents to the content in the active desktop window. The closest Pitkow comes is displaying related

bookmarks to the user in an active desktop window. Independent claim 29 states:

executing a query on the content from an active desktop window without a user having to request the query;
generating a ranked list of documents related to the content based on the content in the active desktop window; and
generating links to the documents, wherein the links point to a relevant fields within the documents.

Pitkow discloses at the cited col. 15 discloses:

If the user selected positive relevance feedback (i.e., "documents like these"), the closest context matches in the previously-keyword-matched public bookmark collection are returned as the highest-ranking. If the user selected negative relevance feedback (i.e., "documents unlike these"), the closest context matches in the collection are given the lowest rankings. The recommendation list is then returned to the user for viewing (step 1480).

Pitkow in the cited sections also is not explicit or discloses examining the content of an active window to form the basis of an automatically generated query that returns a ranked list of related documents. Pitkow merely discloses if the web page being viewed has a popular link, then the user can be alerted to the presence of that link. This is several mental steps shy of examining the content of an active window to form the basis of an automatically generated query that returns a ranked list of related documents.

Finally, as discussed previously above, neither Pitkow or Wheeler discloses "generating links to the documents, wherein *the links point to a relevant fields* within the documents."

Independent claims 35 and 39 and their respective dependent claims also contain a similar limitation but literally different limitation to "generating a list of one or more related documents ranked based upon relevance to a first representation of content associated with a first field of a reference extensible markup language document and the link points to a relevant field within each of the one or more related documents." Therefore, independent claims 29, 35, and 39 and their respective dependent claims are patentable over Pitkow in combination with Wheeler.

The 35 U.S.C. § 103(a) claim rejections using Schuetze, Kirsch, Agrawal, and/or Jeffrey. None of these references make up for the deficiencies in the disclosures of Wheeler and Pitkow discussed above. Therefore, claims 10, 11, 12, 18, 33, 34, 38, 43, and 31, 32, 37, and 42 stand patentable over the cited references of Schuetze, Kirsch, Agrawal, and/or Jeffrey in combination with Wheeler and Pitkow.

CONCLUSION


It is respectfully submitted that in view of the remarks set forth herein, the rejections have been overcome. If the Examiner believes a telephone interview would expedite the prosecution of this application, the Examiner is invited to contact Tom Ferrill at (408) 720-8300.

If there are any additional charges, please charge them to Deposit Account No. 02-2666.

Respectfully submitted,

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